

TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371

99977-410

U.S. APPLICATION NO. (If not known, see 37 CFR 1.5)

No. Yet Assigned

INTERNATIONAL APPLICATION NO.

PCT/AU99/00434

INTERNATIONAL FILING DATE

June 4, 1999

PRIORITY DATE CLAIMED

June 4, 1998

TITLE OF INVENTION

Phenotype Modifying Genetic Sequences

APPLICANT(S) FOR DO/EO/US

Bernard J. Carroll

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☒ This is an express request to promptly begin national examination procedures (35 U.S.C. 371(f)).
4. ☒ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(3)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11 to 16 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.  
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information: **Return Postcard**

**Express Mailing Label No. EK 071845589US**  
**Certificate of Express Mailing**

097701926

APPLICATION NO. (if known, see 37 CFR 1.5)

Not Yet Assigned

INTERNATIONAL APPLICATION NO.

PCT AU99/00434

ATTORNEY'S DOCKET NUMBER

99977.410

CALCULATIONS PTO USE ONLY

17. ☒ The following fees are submitted:**BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO ..... \$1000.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO ..... \$860.00

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO ..... \$710.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4) ..... \$690.00

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4) ..... \$100.00

**ENTER APPROPRIATE BASIC FEE AMOUNT =**

\$ 1,000

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☒ 30 months from the earliest claimed priority date (37 CFR 1.492(e)).

\$ 130

CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	22 - 20 =	2	X \$18.00
Independent claims	10 - 3 =	7	X \$80.00

\$ 36

\$ 560

☒ MULTIPLE DEPENDENT CLAIM(S) (if applicable) + \$270.00

\$ 270

**TOTAL OF ABOVE CALCULATIONS =**

\$ 1,996

☒ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

\$ 998

**SUBTOTAL =**

\$

Processing fee of \$130.00 for furnishing the English translation later than ☐ 20 ☐ 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

\$

**TOTAL NATIONAL FEE =**

\$

Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property

\$

**TOTAL FEES ENCLOSED =**

\$

Amount to be refunded: \$  
charged: \$ 998

a. ☐ A check in the amount of \$\_\_\_\_\_ to cover the above fees is enclosed.

b. ☒ Please charge my Deposit Account No. 08-0219 in the amount of \$998 to cover the above fees. A duplicate copy of this sheet is enclosed.

c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 08-0219. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

*M. Lisa Wilson*  
SIGNATURE:

**M. Lisa Wilson**

NAME

**34,045**

REGISTRATION NUMBER

09/701926

525 Rec'd PCT/PTO 04 DEC 2000

PATENT  
Docket No. 99977-410


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor : Bernard J. Carroll  
Serial No. : Not Yet Assigned  
Filing Date : December 4, 2000 (Herewith)  
For: : Phenotype Modifying Genetic Sequences  
Examiner : Not Yet Assigned  
Art Unit : Not Yet Assigned

**Certificate of Express Mailing**

**EK 071845589US**

I hereby certify that the documents listed on the attached Transmittal Letter are being deposited with the United States Patent and Trademark Office as Express Mail, postage prepaid in an envelope addressed to: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231 on December 4, 2000.

  
Sarah A. Marciano